

they purported to be; and in that they contained added poisonous ingredients, a glycol and both a glycol and glycol ethers, respectively, which might have rendered them injurious to health.

Misbranding was alleged in that the statements, "Pure Vanilla" and "Vanilla Imitation," were false and misleading and tended to deceive and mislead the purchaser when applied to articles that contained poisons; and in that they were offered for sale under the distinctive names of other articles, Pure Vanilla and Vanilla Imitation.

On February 12 and 19, 1938, the claimant for the lot seized at Nebraska City, Nebr., having consented to the entry of a decree, and no claimant having appeared for the lot seized at Atlanta, Ga., judgments of condemnation were entered and the products were ordered destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**28551. Adulteration and misbranding of lemon flavor and banana flavor. U. S. v. 37 Bottles of Lemon Flavor and 35 Bottles of Banana Flavor. Default decree of condemnation and destruction. (F. & D. Nos. 41380, 41381. Sample Nos. 31572-C, 31573-C.)**

These products contained carbitol, a solvent composed of a glycol or a glycol ether, or both, poisons. Moreover, the quantity of contents statement was inconspicuous.

On January 13, 1938, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 72 bottles of lemon and banana flavors at Tell City, Ind.; alleging that the articles had been shipped in interstate commerce on or about November 3, 1937, by the Huddy Product Co. from St. Louis, Mo., to Hardinsburg, Ky., and that they had been transported thence to Tell City, Ind.; and charging that they were adulterated and misbranded in violation of the Food and Drugs Act. The articles were labeled in part: "Huddy Product Co. St. Louis."

They were alleged to be adulterated in that products containing a poisonous substance, a glycol or a glycol ether, or both, had been substituted in whole or in part for "Food Flavoring Lemon" and "Food Flavoring Banana," which they purported to be.

Misbranding was alleged in that the statements, "Food Flavoring Lemon [or "Banana"] For Pies Cakes Etc.," borne on the labels, were false and misleading and tended to deceive and mislead the purchaser when applied to products containing a glycol or a glycol ether, or both, poisons; in that they were offered for sale under the distinctive names of other products; and in that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 22, 1938, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**28552. Adulteration and misbranding of assorted imitation flavors. U. S. v. 32 5/12 Dozen Bottles of Flavors, et al. Default decrees of condemnation and destruction. (F. & D. Nos. 41472, 41541. Sample Nos. 7866-D, 7877-D, 7878-D.)**

Samples taken from each of the three lots of these products contained 20, 20, and 25 percent, respectively, of carbitol, a solvent composed of a glycol or a glycol ether, or both, poisons.

On January 19 and 26, 1938, the United States attorney for the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 48 dozen bottles of imitation flavors at Jersey City, N. J., and 36 1/6 dozen bottles of imitation flavors at Newark, N. J., alleging that the articles had been shipped in interstate commerce on various dates between March 8 and December 27, 1937, from New York, N. Y., by L'Italiana, Inc., and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part: "Confectionery and Bakery Specialties \* \* \* L'Italiana Extracts—New York [or "L'Italiana, Inc. New York"]."

The articles were alleged to be adulterated in that products containing a glycol or a glycol ether, or both, poisons, had been substituted in whole or in part for food flavors, which they purported to be; and in that they contained an added poisonous or deleterious ingredient, a glycol or a glycol ether, or both, which might have rendered them injurious to health.

Misbranding was alleged in that the statement "Imitation Flavor" and the designation of the various flavors, borne on the labels were false and misleading and tended to deceive and mislead the purchaser when applied to articles containing a glycol or a glycol ether, or both, poisons: (Flavors) Anisette, Whiskey, Rye, Rum, Crema di mandarino, Marsala, Rosolio, Tutti Fruitti, Verdolino, Crema di Cacao, Crema di Limone, Mistra, Flore Aleino, Anesone, Curacao, Benedettino, Crema di Arancio, Cannella, Crema di Banana, Torrone, Brandy, Cognac, Strega, Crema di Menta, Persico, Crema Mocha, Apricot, Stomatico, Liquore Elena, Gin, Fernet, Vermouth, Cherry, Latte di Vecchia, Caffè Sport, Nocillo, Maraschino, Mandorla Amara, Chartreuse, Gelsomino, Quattro Compari, and Vainiglia. Misbranding was alleged further in that the articles were offered for sale under the distinctive names of other articles, food flavors.

On March 23, 1938, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**28553. Adulteration and misbranding of fruit flavors. U. S. v. 7 Gallons of Imitation Wild Cherry Essence and 1 Gallon of Grape Aroma. Default decree of condemnation and destruction. (F. & D. Nos. 40898, 40899. Sample Nos. 58232-C, 58233-C.)**

These products contained approximately 50 percent of diethylene glycol monoethyl ether, a poison.

On or about November 23, 1937, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 8 gallon bottles of the above-named products at St. Joseph, Mo., alleging that the articles had been shipped in interstate commerce on or about October 27, 1937, by J. N. Hickok & Son from Jersey City, N. J., and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part: "J. N. Hickok & Son \* \* \* J. N. H. Brand \* \* \* Brooklyn, N. Y."

The articles were alleged to be adulterated in that products containing diethylene glycol monoethyl ether, a poison, had been substituted in whole or in part for the said articles and in that they contained an added poisonous or deleterious ingredient, diethylene glycol monoethyl ether, which might have rendered them injurious to health.

They were alleged to be misbranded in that the statements on the labels, "Imitation Wild Cherry Essence Contains Esters, Volatile Oils, Vegetable Tincture and Cologne Spirits" and "Grape Aroma Contains Pure Fruit Extractions, Esters, Essential Oils and Alcohol," were false and misleading and tended to deceive and mislead the purchaser when applied to articles containing diethylene glycol monoethyl ether.

On January 3, 1938, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**28554. Adulteration and misbranding of imitation vanilla. U. S. v. 1 Bottle and 1 Bottle of Imitation Vanilla. Default decrees of condemnation and destruction. (F. & D. Nos. 41382, 41383. Sample Nos. 71260-C, 71261-C.)**

These two lots of imitation vanilla flavor contained 20 and 25 percent, respectively, of diethylene glycol, a poison.

On January 12, 1938, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of one bottle of imitation vanilla at Oaklyn, N. J., and one bottle of imitation vanilla at Camden, N. J., alleging that the article had been shipped in interstate commerce on or about October 22 and November 27, 1937, from Philadelphia, Pa., by Baker's Merchandise Co., Inc., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Concentrated Imitation Vanilla Pennsylvania Extract Co. Inc. \* \* \* Philadelphia, Pa."

It was alleged to be adulterated in that a product containing a poisonous substance, a glycol, had been substituted in whole or in part for concentrated imitation vanilla, which it purported to be; and in that it contained an added poisonous or deleterious ingredient, a glycol, which might have rendered it injurious to health.